

INDIANA FIRST JUDICIAL DISTRICT PRO BONO COMMITTEE

2001 ANNUAL PRO BONO REPORT AND 2002 PLAN AND BUDGET

This Annual Pro Bono Report and Plan is made pursuant to Rule 6.5 of the Indiana Rules of Professional Conduct. The goals of this Plan are as follows:

To enable Indiana attorneys to discharge their professional responsibilities to provide pro bono services;

To improve the overall delivery of civil legal services to persons of limited means by facilitating the integration and coordination of services provided by pro bono organizations and other legal assistance organizations throughout the State of Indiana;

To ensure statewide access to high quality and timely pro bono civil legal services for persons of limited means by (i) fostering the development of new pro bono programs where needed and (ii) supporting and improving the quality of existing pro bono programs;

To foster the growth of a public service culture within the Indiana Bar which values pro bono publico service;

To promote the ongoing development of financial and other resources for pro bono organizations in Indiana.

2001 ANNUAL PRO BONO REPORT AND 2002 PLAN PROPOSAL

COVER SHEET

DISTRICT _____ First

COUNTIES SERVED: _____ Lake, Porter, LaPorte, Jasper, Newton, , Pulaski, Starke

CONTACT PERSON and PHONE: Judith H. Stanton, Esq., Plan Administrator, (219) 945-1799

Current Service Delivery System:

Upon receipt of its initial funding, the First District Committee worked to establish a procedure for handling pro bono cases. Utilizing a format described in its plan approved by the Commission in 2000, the Committee established a collaborative relationship with the newly created state-wide legal services organization, Indiana Legal Services (ILS). Since the Committee recognized that it would take a few months to advertise for and hire a Plan Administrator, it retained the executive assistant (Mary Hodson) of a committee member (Richard P. Komyatte) to serve as an interim plan administrator. This collaborative process is continuing with the current Plan Administrator. Thus, the system in place since February, 2001, is as follows:

The Plan Administrator receives initial case information from the Indiana Legal Services office(s) presently serving the seven counties within the district. ILS has screened the client for financial eligibility, the appropriateness of the legal matter, and the willingness to have the matter referred to a private attorney for assistance. Upon receipt the Plan Administrator reviews the file, re-contacts either ILS or the client if additional information is necessary, and then makes the appropriate referral. Follow up letters are sent to the attorney four weeks after referral and thereafter as appropriate. Requests for costs reimbursement, if any, are forwarded to Indiana Legal Services' central office in Indianapolis for processing. A case closing report is received from the attorney and a thank you letter forwarded -- co-signed by one of our judges if possible. The Lake County civil judges have also agreed to notify the Plan Administrator of civil pro bono services provided by attorneys whom they may have appointed ad hoc so that those attorneys and their services may also be acknowledged.

Identification of Need/Documentation of Need:

_____ 1) ABA and other Legal Needs Surveys; 2) Year 2000 Committee survey of social services agencies in the First Judicial District; 3) 2000 census data.

Target Population: Who, Where, How Identified:

Individuals in the seven counties in the First District whose income does not exceed 125% of current federal poverty level guidelines who are referred for legal assistance by one of the Indiana Legal Services offices in the District, including its Hispanic Law Center and Migrant Worker Project. Not-

for-profit organizations with limited resources may also be accepted for referrals for transactional legal services such as incorporation, 501(c)(3) application, etc.

Methods/Action Plan:

_____ 1) Recruitment, training, and “nourishment” of volunteer attorneys; 2) Acceptance by attorneys of the aspirational goal of fifty (50) volunteer hours per year with the encouragement of the local bench and bar; 3) Collaboration with the Hispanic Bar and service organizations to eliminate barriers to access to justice services and establishment of positive volunteer attorney/client relationships; 4) Empowerment of clients and achievement of judicial economy by development of client self-help materials and processes; 5) Collection and publication of client/attorney “stories”; and 6) Development and implementation of public relations materials and other methods of publicizing and showing appreciation for the volunteer services and their positive impact on clients’ lives.

Outcomes:

1) We are on schedule to double the number of cases referred compared to the year 2000 as well as attain at least 100 new volunteer attorneys; 2) Organization of subject matter attorney “teams”, including a class-action team ; 3) An appropriate variety of informational, public relations, and self-help legal materials, seminars, etc., developed and/or presented in collaboration with local social service agencies, bench and bar; 4) Effective recognition of the amount of attorney hours volunteered and the results obtained for clients, not only in the types of cases traditionally handled by ILS but also as volunteer mediators, guardians ad litem, and CASAs; 5) Substantially increased public awareness of the work of the volunteer attorneys and the true value of the dollars invested when these dollars are compared to the substantial benefits achieved for clients.

Evaluation:

_____ Progress will be evaluated by: 1) Attorney and client follow-up questionnaires and personal contacts; 2) Additional surveys and/or focus groups with social service agencies and clients; 3) Organized record keeping as to the numbers and types of cases referred, number of attorneys participating and the number of hours donated; 4) Newspaper articles and other media reporting about the work of the attorney volunteers and its impact on clients’ lives.

A. SUMMARY OF CURRENT DISTRICT ACTIVITIES AND DISTRICT PLAN:

Achievements to date:

The First Judicial District Pro Bono Committee Plan submitted for the year 2001 provided a detailed outline of both short-term and long-term goals. Short-term the committee works to recruit more volunteer attorneys and to solicit law firms to commit to devoting a certain number of hours to pro bono work. Long-term the committee works to 1) establish a standard for the provision of Pro Bono services, 2) involve the judiciary as an active change agent in this process, 3) educate all attorneys as to Pro Bono needs and opportunities, and 4) expand the Pro Bono services menu in partnership with Indiana Legal Services. The Committee has made significant progress towards meeting those goals in the first six months of 2001. The Plan for 2002 is essentially a continuation and expansion of the original Plan.

Short Term: The Committee has incorporated, is applying for federal 501(c)(3) charitable organization status, and has hired a half-time Plan Administrator who has outstanding experience both as a Legal Services attorney and as a private practitioner besides being active in the Lake County Bar Association as well as poverty-related, community-based organizations. Since coming on staff on May 15, 2001, she has set up and equipped her office to handle the Pro Bono project and has established a separate telephone/fax line and toll-free telephone number. She has commenced work with the Indiana Legal Services staff to develop more effective intake screening, is engaged in the recruitment of additional attorney volunteers, and is involved in public information activities to increase awareness of the access to justice provided under the Plan among social services providers and the public in general.

The Committee is also in the process of recruiting new committee members, not only attorneys/judges, but also community-at-large representatives, for two reasons. First, although not specifically required by Rule 6.5, the Committee believes a strong presence by persons involved in the social services community will be of immeasurable value. Indigent persons with civil legal needs are likely to be experiencing various social/economic problems as well. Hence, their legal needs cannot be effectively addressed in a vacuum. They need to be addressed as part of a holistic approach to the person's problems. Participation by such community services persons, along with the participation of our client representatives, will provide invaluable insight as to the holistic needs of the poor and how their legal needs can best be served. Thus, the Committee has recently added Kenneth Flannigan, Executive Director of Catholic Charities, Timothy Cottingham, Executive Director of Greater Hammond Community Services, Inc., and Susan Gleason, the Coordinator of the Porter County Step Ahead Council. (This latter organization is similar to a chamber of commerce for social service organizations.)

Another new member is Calvin Bellamy, the CEO and Chairman of the Board of Bank Calumet, the largest privately held bank in Lake County and the bank that has exercised a distinct leadership role in providing the best IOLTA interest rates of any bank in Northwest Indiana.

Second, the Committee wants to strengthen its representation from the less populous counties served. For that reason we have recruited new judges and lawyers primarily from the less populated counties in the district.

Both Short and Long Term: The Committee has asserted a leadership role in establishing a standard for the provision of pro bono services by attaining a resolution from the Lake County judiciary endorsing an aspirational standard of fifty (50) volunteer attorney hours per year. Similar resolutions have been obtained from every bar association in Lake County, namely the Lake County, Hispanic, Kimbrough (African-American), and Women Lawyers Bar Associations. The Committee takes great pride in this accomplishment since Lake County is now the only county in the state that has accomplished such a leadership role by both its Bench and Bar. Similar resolutions are being considered by the Porter County Superior and Circuit Court Judges, the Porter County Bar Association, and both the Lake and Porter County Inns of Court.

The Ongoing Plan:

The Committee re-affirms the Long-Term Plans submitted in its 2001 Plan. For 2002 we will specifically be addressing 1) Barriers to accessing services; 2) Attorney recruitment/motivation issues; 3) Lack of self-help information and procedures; and 4) Lack of appreciation by the public as well as much of the practicing bar for the work of pro bono volunteer attorneys.

Barriers to Accessing Services:

The Committee surveyed a sample of social service and other related agencies in its two biggest counties: Lake and Porter, in the year 2000. These agencies identified barriers to accessing services including lack of funds, lack of information about services, lack of transportation, general fear of rejection, limited education/ability to follow through, and lack of support systems. In addition, we have taken note of the increasing Hispanic population and the substantial migrant worker populations in the counties we service and, implicitly, a growth in individuals who may have language barriers to overcome.

To address these barriers the Committee will help expand the areas of law serviced by ILS and volunteer attorneys through recruiting local attorneys to provide training, encouraging the use of agency facilities as realistic locations for attorney/client communications

where appropriate, and developing mechanisms for overcoming language/communication barriers. In regard to the latter, we will be collaborating with ILS as it establishes a branch of its Hispanic Law Center and Migrant Worker Project in East Chicago by recruiting attorneys from the Hispanic Bar Association in particular to assist with clients referred by this project. We will also develop, adapt, or disseminate existing Spanish language informational materials about the availability of pro bono services to the Catholic Diocese of Gary's Migrant Worker project.

The Committee will also coordinate information with existing data banks such as those maintained by United Ways and through collaboration with Inns of Court and other attorney mentoring programs.

Attorney Recruitment/Motivation Issues:

Based on our experience to date, this issue may be the toughest one to address. We have had attorneys return cases to us because they turned out to be more "complicated" than the attorney at first assumed, because clients were perceived to be less than cooperative, or because of a perceived ineligibility for the free services promised. Some of these concerns may lessen with more sophisticated pre-screening and better presentation of the cases to potential volunteer attorneys by a more experienced attorney Plan Administrator. However, while there are a number of attorneys who will go the extra mile on a pro bono case, many others seem not to be willing to stick with a case which involves more than basic handling. This raises certain ethical issues which the Committee hopes the local bench and perhaps the Indiana Supreme Court may assist in addressing, particularly where cases are dropped in midstream, as it were. The Committee will continue to solicit the active participation of the local bench and the most respected members of the local bar in encouraging attorneys to work diligently on pro bono cases, including those cases which may have unpredicted issues. Along with substantive law related CLEs, the Committee also will provide much needed education to attorneys as to the barriers which low or no income persons experience, hoping to develop a better understanding and a higher tolerance for complications resulting from such barriers.

Additionally, the Committee will begin to increase the "menu" of pro bono opportunities available to attorneys. For instance, we are developing groups of attorneys to work on cases, such as in the areas of elder law and consumer law. The Committee will also tap the valuable resource of transactional lawyers in the District to assist not-for-profit community based organizations who serve the poverty

population. Such attorneys can provide assistance in corporate law, tax matters, employment issues, etc.

Lack of Self-Help Information and Procedures:

Both to alleviate the pressure on volunteer attorneys and to further the goal of empowering clients, we also hope to begin developing pro se forms, litigation processes, and informational clinics to further empower clients to resolve matters without the need for formal legal representation. Some of the areas ripe for such development are consumer law issues, tenant/landlord disputes, housing code violations, domestic matters, elder concerns such as nursing home standards/ombudsman procedures. We expect to be collaborating with the roundtable practice forums Indiana Legal Services has established as well as with local legal services staff to develop these substantive materials. We will be working with the local bench and bar to create mutually acceptable self-help legal processes.

Lack of Appreciation by the Public and, Even Much of the Practicing Bar for the Work of Pro Bono Volunteer Attorneys:

The Committee takes very seriously the problem of the negative public opinion about lawyers and the sometimes equally negative attitude of the general public about the plight of the poor and the legal process in general. The many attorneys who do volunteer their time both for individual clients and for low budget not-for-profit organizations deserve recognition for their work. Similarly, we need to tell the compelling stories of how these volunteer services changed the lives of the clients who received them. Developing creative ways of telling how we get so much “bang” for our “buck” is a high priority for the Committee for the balance of 2001 and the year 2002.

We will implement simple measures such as “thank you” letters, upon the closing of a file, from the bench and bar as well as the Committee, in person follow-ups by the Plan Administrator with the client, as well as documentation as to the number of hours of legal services provided and the results obtained. We will recommend deserving attorneys for relevant community service awards. We will begin a public relations campaign to share our “stories” through various information media, drawing upon the ideas developed by Legal Services and programs in other states which are available through the ABA Pro Bono Center and other sources. It is the Committee’s hope that by so doing we will not only raise the hopes and improve the actual experience of those who now feel isolated from the legal system, but we will also inspire more attorneys to give

of their time and compassion in ensuring access to justice for the needy segment of our society.

B. 2001 ANNUAL REPORT

1. Committee Members:

a) Present Members: Since the Plan was submitted, the Committee has been restructured to include key community leaders as well as more interested and, hopefully, active attorney members. The present membership is composed of the following:

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b) Efforts to Recruit Committee Members from Under-Represented Counties:

The Judicial members of the Committee from Jasper, Newton, Pulaski, and Starke Counties have pledged to recruit attorney members for the Committee. Susan Gleason, in her capacity as Step Ahead Coordinator, is also requesting recommendations for community members from the under represented counties. Staff of the newly opened Lafayette and South Bend offices of ILS are also suggesting members based on their prior pro bono referral lists. The Committee strongly believes that the most effective factor in recruitment of volunteer lawyers is that the local bar associations and benches take ownership of the project, not only by passing resolutions supportive of the fifty annual hours pro bono standard, but also by regular communications via bar newsletters, local CLEs, etc. which stress that volunteering for pro bono activities should be the norm for their attorney members, rather than the exception.

2. Governance:

The Indiana First Judicial District Pro Bono Committee, Inc. is an Indiana not-for-profit corporation. Application for recognition under Section 501(c)(3) of the Internal Revenue Code is pending. Copies of the corporation's Articles of Incorporation and By-Laws are attached. **See Binder I, Exhibits 1 and 2.** Currently the officers are : The

Honorable William E. Davis, Chair; Richard P. Komyatte, Esq., Vice-Chair; and William T. Enslen, Esq. Secretary/Treasurer.

3. Plan Administrator:

Judith H. Stanton, Attorney at Law. Her resume is included in **Binder I as Exhibit 3**. Attorney Stanton is presently half-time with the Committee and the position is funded by the IOLTA grant received by the Committee for the year 2001. Her duties include reviewing and referring cases received from the Indiana Legal Services office(s) servicing the counties in the First Judicial District; recruiting and planning for the orientation and training of volunteer attorneys; and administering the implementation of all other aspects of the Committee's Plan.

4. Prior Year Progress:

During the six months since our Committee was funded we have accomplished the following:

a) Obtainment of Judicial and Bar Association Resolutions:

In our plan submitted for 2001 we listed as our highest priority changing the culture of the bar in regard to the importance of pro bono participation. We have made substantial progress on this central goal by attaining Bench and Bar resolutions supporting the aspirational goal of 50 hours pro bono services by attorneys from the Lake Circuit and Superior Court Civil Judges, the Lake County Bar Association, Women Lawyers Association of Lake County, Hispanic Bar Association and Kimbrough (African-American) Bar Association. **See Binder I, Exhibits 4, 5, 6, 7, and 8.** We have also initiated the process of attaining similar resolutions from the Porter County Bar Association and the Lake and Porter County Inns of Court .

b) Recruitment of Community Leaders and More Interested/Active Attorney Members:

We have especially been concerned to include persons who through their community activities can help us understand whom we need most to serve and what we need to do to reach and serve them well. As such, we are fortunate to have members who sit as Executive Directors of community organizations which serve the poor as well as community business leaders. We also have recruited through consultation with judges, bar association, and past and present clients to insure representation of all counties. Our Committee has prepared a handbook for the judiciary entitled "The Role of the Judiciary in the

First District Pro Bono Plan". This hand book includes the First District's current Plan for involvement of the judiciary; the ABA Model Standard for Pro Bono Program Effectiveness No. 2.9, entitled Relations with the Judiciary; the Pro Bono Resolution of the conference of State Supreme Court Chief Justices, various articles detailing suggested judicial roles in Pro Bono; the Minnesota Report on the Role of the Judiciary in Pro Bono; and copies of various judicial recruitment letters/resolutions. **See Binder II.**

c) Recruitment and Hiring of a Part-Time Plan Administrator Effective May 15, 2001:

The Committee is aware that its plan was rated by the Commission as one of the three best plans from the 14 judicial districts. With such recognition by the Commission, the Committee's goal was to hire the most experienced plan administrator possible to implement its well received plan. The Committee truly believes that it has been fortunate to hire such a person. Judith Stanton brings to this role 15 years experience as a legal services staff attorney at the former Legal Services of Northwest Indiana. During this tenure, she developed an expertise in public benefits such as welfare, food stamps, Medicaid, Social Security disability, and township poor relief. She has been described by Norman Metzger, Executive Director of ILS, as one of the foremost experts in Indiana in these areas of poverty law.

This background gives her the ability to develop teams of private attorneys to work in these needed areas. Among other things, she will be in a position to teach, mentor and support private attorneys in the handling of such cases. During her Legal Services tenure, she also developed an expertise in landlord/tenant law, which should enable her to train and mentor private attorneys willing to take cases in this extremely important area of need in the First District.

An important unique element in the First District's plan is its proposed class action litigation program. Since very few attorneys have any class action experience, the Committee believes that it was fortunate to find a plan administrator who has served as either lead attorney or co-counsel in four class action cases, all of which involved entitlement issues. Such issues and others such as fair debt collection, truth-in-lending, or predatory lending are likely to be a subject of potential class actions which can be undertaken in our district.

Another important element of our plan is to engage in "Preventive Law" by way of outreach seminars to the public. We firmly believe that "knowledge is power", and that by such outreach

seminars held at various community centers, we will literally empower numerous people to avoid legal entanglements, which they might otherwise have been subjected to, or to use enlightened self-help to un-entangle themselves after the fact. Obviously, it would be important to have a plan administrator who has experience in such outreach efforts, particularly in the substantive law areas which are so pertinent. Ms. Stanton has this background as she has made numerous presentations to social welfare and other organizations regarding poverty-related issues.

Besides her extensive legal services experience, Ms. Stanton has been involved in the last six years in the private practice of law in Lake County. She has been an active member of the Lake County Bar Association since its inception, served as one of its directors, and is a charter member of the family law section as well as a member of the probate and bankruptcy sections. This active involvement with the largest bar association in the First District should make her particularly qualified in recruiting attorneys for pro bono assignments. Her 21 years total experience in practice has allowed her to become acquainted with a good segment of the practicing bar in Lake and Porter Counties and will be useful in recruiting efforts.

In conclusion, the Committee believes that it has in place the plan administrator essential to effective and broad implementation of the various elements of its plan which received such favorable approval by the Commission.

d) Office:

The Committee has established an office in Ms. Stanton's private office in Hobart. There, we have access to a conference room, a law library, and necessary equipment, including a computer, copy machine, etc. We also have a formalized letterhead, a copy of which is included as **Exhibit 9 in Binder I**.

e) Telephone Access:

Installation of telephone line, including a toll-free telephone number for all counties in the First District as well as separate fax number in the Plan Administrator's office.

f) Increase in Referrals:

As evidence of the effectiveness of the bar and bench resolutions, without even a full-time administrator in place for the majority of the current fund year, the Committee has to date provided pro bono legal services to 88 clients with the assistance of 45

volunteer attorneys. (The former Legal Services of Northwest Indiana referred a total of 72 cases to 48 attorneys in the entire year of 2000.) From January 1 to May 15, 2001, referrals were handled by Mary Hodson, a member of Attorney Komyatte's support staff, a few hours per week. She was able to place 37 cases. Since May 15 the Plan Administrator, in addition to her other start-up duties, has referred or advised after further screening a total of 51 cases. The Committee believes that the response received from attorneys so far is tangible proof that the private bar has been accepting of its "ownership" of the Committee's pro bono program, a relationship which did not exist previously.

g) Education of the Bar as to Pro Bono:

The Committee recognized that to achieve its primary goal of changing the culture of the practicing bar as to how it views its pro bono obligation, it would be essential to undertake the education of the bar as to (1) the meaning of pro bono; (2) the overwhelming needs of people of limited means in the District for pro bono services; (3) the available opportunities for the bar to meet its pro bono obligation; and (4) the existence and specifics of the First District Plan.

Realistically, the Committee recognized that its education role must be viewed as a long-term project. Nevertheless, the Committee has embarked on this key project. Already this year, two (2) articles have been written for the Minute Sheet, a monthly publication of the Lake County Bar Association. **See Exhibit 10 in Binder I** for these two articles, one published in February, 2001 and the other in June, 2001. The intent is to publish an article on the subject of pro bono on a monthly basis. The Committee is also exploring how these same articles can be published in other bar newsletters or otherwise distributed to the practicing bar in the other six (6) counties of the First District.

h) Fund-Raising:

The Committee sought and obtained the commitment of donations from the Lake County Bar Association dues check-off program.

In addition to these accomplished goals, the Committee has been engaged on an ongoing basis in:

a) Collaboration with the civil judges and the Lake County CASA , Guardian ad Litem and Mediation training projects with the goal of identifying attorneys who are performing pro bono services on direct appointment by the civil judges or through CASA,

GAL, or Mediation referrals and with the future goal of recording and reporting the services rendered.

Collaboration with Indiana Legal Services as it adds staff and provides substantive law training to the former Legal Services of Northwest Indiana offices in Lake & Porter Counties and to the Lafayette and South Bend ILS offices, which service the remaining counties in the District, and to pro bono attorneys, social services providers, and other persons who may appropriately assist or refer persons with legal needs suitable for assistance by the pro bono project. This Committee is in a unique position to partner with ILS in that 8 of the 51 members of the new statewide ILS board, including two of the ILS vice-presidents, are members of the First Judicial District Committee. Such dual representation of eight of its members should enable the Committee to effectively collaborate with ILS to achieve our common goal of representation of the poor in the most efficient manner without unnecessary duplication.

Accounting of the 2000 Grant Monies

The monies needed to engage in these activities and to accomplish these goals came exclusively from the grant received from the Indiana Pro Bono Commission. An accounting of the 2000 grant amount is being submitted by way of our 2001 Budget which can be found as **Exhibit 11 in Binder I**. A number of the line items (e.g., Plan Administrator wages and FICA, space, equipment and services, etc.) constitute monies actually spent to date and/or actually committed for the remainder of the calendar year. Other line items (e.g., printing and public relations, training events, malpractice insurance, etc.) represent items which will be needed during the remainder of the calendar year as well as our best estimate as to the costs of same. As a practical matter, this is the best "accounting" the Committee can furnish at a point in time which is only half way through the first calendar year of our existence. Nevertheless, the Committee is conscious of the principle of full accountability to the Pro Bono Commission for all funds received. Accordingly, we have in the budget a line item for an audit to be performed at the end of this calendar year, which audit will be overseen by an Audit Subcommittee chaired by committee member, Cal Bellamy, Chair and CEO of Bank Calumet.

5. Monitoring Methods:

a) Quality of Services Provided:

Historically, quality of pro bono services was difficult to measure from the client's perspective except where either a client or

an attorney had volunteered information or complaints. The form the Committee is currently using for reporting of progress by the volunteer attorney has a place for comments and suggestions.

We are designing a client closing questionnaire using both a written form and telephone follow-ups where appropriate to address quality of services issues. We also are developing a more detailed follow up process for the volunteer attorneys.

Quantity:

The Interim Plan Administrator, at the beginning of the plan year, set up a data base of attorneys participating, number and types of cases referred and the number of clients served. The new Administrator is continuing this process. She is also emphasizing the goal of fifty (50) hours annually, rather than the prior goal which was two (2) cases per year, by asking the volunteer attorneys to track and report the number of pro bono hours put in on each case in their closing reports. Since most of the cases are still pending, this data has yet to be received from the private attorneys.

Costs/Results Evaluation:

The Plan Administrator and the Committee are reviewing evaluation processes presently in place in various Legal Services or pro bono organizations in Indiana and around the country in order to be able not only to document the cost-effectiveness of services provided but also to publicize the value of the services provided and the differences made in clients' lives by the generosity of the volunteer attorneys.

Client Stories:

Presently the Plan Administrator is initiating personal contacts with many of the clients whose cases have been referred or are awaiting referral and with the attorneys who have volunteered to gather stories about the human side of the legal work being done. Since the Plan Administrator has extensive experience as a former Legal Services staff attorney and substantial current experience as a private practitioner as well as active member of the local bar association and various community human services boards, she is uniquely situated to recognize and report the significant impact even seemingly simple legal services can make in the life of a client--or sometimes in the life and in the heart of the attorney volunteer. We intend to develop regular public relations processes to provide these stories and the accomplishments of the volunteers to the local media, bar associations, funding sources and other relevant groups.

Current Records:

We are providing a listing of attorneys, the number and types of cases referred, and other incidental data collected to date. **See Exhibit 12 in Binder I**, entitled Attorney Status Sheet.

6. Monitoring Results:

It is too early in the organization and collection of data to draw any major conclusions other than the fact that referrals are being accomplished at double last year's rate. Again, we believe this is tangible proof of the benefit of bar "ownership" of the pro bono program rather than creating a program as part of the Legal Services organization itself, as previously was the case with the former Legal Services of Northwest Indiana. We can conclude, however, that much work needs to be done not only to enlist more attorneys in the pro bono effort but also to expand the areas of law in which services are provided and to encourage acceptance of more challenging cases.

7. Existing Services, Programs, and Funding Sources:

Not all of the programs listed in this section have provided the detailed information requested by the Commission for this report. The information obtained to date is summarized in the questionnaire results included as **Exhibit 13 in Binder I**, entitled Attorney Questionnaire on Legal Needs.

Existing Legal Services in the Community:

Indiana Legal Services, Inc. with offices in Gary, Hammond, Lafayette, and South Bend. The latter two offices service Jasper, Newton, LaPorte, Pulaski and Starke Counties.

COLAP: Community Organizations Legal Assistance Program, although based in Indianapolis, provides incorporation and other organizational services by volunteer attorneys to community not-for-profit groups throughout Indiana, including Lake County.

Programs that Provide Pro Bono Opportunities with Support:

In addition to Indiana Legal Services, there also are attorney volunteers enlisted through the Lake County Court Appointed Special Advocate (CASA) program, Lake County Domestic Relations Counseling Bureau, Porter County Family Court project, and various CLE trainings for Mediators and Guardians ad Litem.

Other Resources in the Community:

The Ophelia Steen Center, Hammond, Indiana: A one-stop center housing various social services such as the Division of Family & Children, Workforce Development Services, North Township Trustee, Step Ahead Council, etc., and which currently provides office space to ILS at a rate subsidized by the City of Hammond.

Domestic violence shelters: Lake County: Haven House, Hammond, Indiana; The Rainbow Shelter, Gary, Indiana; St. Jude House in Crown Point, Indiana. Porter County: The Caring Place, Valparaiso, Indiana. These shelters have developed their own lists of attorney collaborators in addition to the traditional referrals of eligible individuals to Legal Services. Also, Phoenix House, a small transitional housing facility for domestic violence victims, has recently been opened by the Starke County Coalition Against Domestic abuse.

Heartland Center: As identified in our 2001 Plan, this Jesuit operated social services and research center, funded jointly by the Diocese of Gary and the Jesuit community, has extensively researched and published data on various poverty, race relations, educational, and economic development issues in Northwest Indiana. We fully expect this organization to provide us with much needed data on poverty issues, and we also hope that it will provide a wonderful medium for discussion of legal issues involving the poor in Northwest Indiana. Thus, it can serve not only as a sociological research center, but also an excellent outlet for media exposure as to the Committee's pro bono program.

Other Sources of Funding for the District Plan:

Lake County Bar Association - via dues check-off donations. We are also identifying other potential funding sources such as community and private foundations, United Ways, etc.

8. Current Legal Service Delivery System and the Pro Bono Aspect of the System:

Indiana Legal Services currently operates two offices in Lake County: one in Gary and one, currently part-time but expected to increase to full-time, at the Ophelia Steen Center in Hammond. A third office will soon open in East Chicago. ILS hopes to soon reestablish a Porter County connection with the Valparaiso University School of Law Clinical Program. ILS serves LaPorte, Jasper, Newton,

Starke and Pulaski counties from its Lafayette and South Bend offices.

Identifying and Screening of Clients:

The Committee is relying upon ILS to provide the bulk of its clients. As a practical reality, ILS is forced to turn away countless financially eligible people with valid civil legal needs because of its priority guidelines and congressional restrictions as to types of cases it can handle. As a result, ILS is a ready source of numerous clients with valid civil legal needs. Having gone through the initial process at ILS, these clients are already screened for financial eligibility and case appropriateness, making it unnecessary for our Committee to do so. Lake and Porter County clients are screened through the ILS offices in those counties or by telephone. Clients in the other five counties are screened by going through the South Bend or Lafayette office of ILS or by telephone.

Match and Referral to Volunteer Attorneys:

ILS forwards referred case files to the Plan Administrator who reviews the information, sometimes contacting the client for additional information. Through her personal experience of 15 years as a legal services attorney, and relying upon the information provided by the attorney volunteers, she matches each client to an attorney based on: (1) the type of case; (2) the geographic location of client and attorney; (3) the availability of transportation; (4) the complexity and status of the matter; and (5) the kind and number of cases currently being handled by the potential volunteer attorney.

Litigation Expenses and Out of Pocket Costs for Pro Bono Attorneys:

Attorneys are advised to file in forma pauperis affidavits wherever possible. In those hopefully few cases where the pauper petition is denied and in bankruptcy cases where the client cannot even pay the fee in installments without great hardship, we apply to ILS to pay filing fees where the cases are within the scope of those ILS can legally cover (e.g. not cases involving immigration issues, prisoner's rights or class action litigation). Other ordinary litigation expenses such as substantial copying, long distance charges, depositions, etc. also may be reimbursed where necessary. ILS is required under its Legal Services Corporation grant to spend 12 1/3% of its LSC budget on pro bono matters. We draw upon these funds for the expenses we seek from ILS. Should these expenses be incurred in cases where ILS cannot cover the costs, provision has been made in our budget for Committee funds to be used.

Mentoring/Consultation Opportunities:

No formal process is presently in place via either ILS or the Committee. However both Lake and Porter County have established Inns of Court, representatives of which are members of the Committee . Ways of collaborating with the Inns are in the initial stages of exploration. Also, where a law firm commits to pro bono work, it is expected that the senior attorneys will mentor their staffs and provide any other necessary consultation to the attorneys assigned the cases. The Committee has also had some informal discussion with some of the senior attorneys in the district, particularly in the substantive areas of family law and bankruptcy, and has elicited an initial willingness to provide mentoring to younger attorneys who need some training and advice in the handling of cases in these substantive law areas. Presently this is only being done on an ad hoc basis, but with the anticipation to make the program more formalized in the coming year.

Malpractice Insurance for Pro Bono Attorneys:

Currently it is the attorneys' own malpractice insurance which is applicable, since referrals are no longer directly from Indiana Legal Services, which otherwise covers volunteer attorneys under its malpractice insurance. The Committee is seeking bids on providing malpractice insurance through its own funds. It is hoped that a blanket policy can be purchased relatively inexpensively given the fact that insurance companies have apparently suffered very few losses in underwriting malpractice insurance for pro bono lawyers.

f) Administration and Record Keeping for Assigned Cases:

This is done by the Plan Administrator.

Recognition of the Work of Pro Bono Attorneys:

Presently recognition is formalized by a thank you letter sent on conclusion of the work from the Committee and, where possible, the appropriate Judge, in addition to the acknowledgment committed law firms provide to their attorneys who participate. We also plan to publicize the stories of the persons who have been helped by these attorneys, to hold special recognition events, and to provide tangible tokens such as Pro Bono t-shirts which, themselves, will help "advertise" the volunteer spirit.

Other District Support and Assistance for Pro Bono Attorneys:

The Plan Administrator, Indiana Legal Services' staff, and senior partners in participating law firms will provide back up assistance and support for pro bono attorneys in the District.

C. 2001/2002 ANNUAL PLAN

Problems in the current legal services delivery system:

The following problems are listed separately, as required. However the Committee strenuously points out that these issues overlap in a number of ways and should rank in equal importance.

BARRIERS TO ACCESSING SERVICES

ATTORNEY RECRUITMENT/MOTIVATION ISSUES.

LACK OF SELF-HELP INFORMATION AND PROCEDURES.

LACK OF APPRECIATION BY THE PUBLIC AND EVEN MUCH OF THE PRACTICING BAR FOR THE WORK OF PRO BONO VOLUNTEER ATTORNEYS.

Problem/Barrier #1: BARRIERS TO ACCESSING SERVICES.

Problem Identification:

Persons who are at or below basic subsistence incomes often cannot afford the basic court filing fee let alone the usual retainer fees requested by attorneys before beginning work on a legal matter. Many clients are unaware of the availability of the staffed Legal Services programs or the full range of cases they handle. The staffed programs have substantially more eligible applicants than legal staff can serve and at the same time maintain quality of services. Many clients are not aware of what legal services are available and the procedure for seeking services. Many clients also suffer under transportation barriers, fear of rejection by another agency, limited education levels and/or inability to follow through, and lack support systems (families, friends) to assist them in obtaining services. Recent census data also indicate Northwest Indiana has a substantial population for which Spanish, not English, may be their primary language. The percentage of Hispanic population, for example, has increased 32% in Lake County, 83% in Porter County, and 115% in LaPorte County since 1990, while the countywide populations have risen only 2%, 14%, and 3% respectively. Lake County alone has better than 27% of the Hispanic population in the State of Indiana. **See Exhibit 14 in Binder I**, entitled Northwest Indiana Census 2000 highlights.

Supportive Data:

The First Judicial District Plan submitted in 2000 for the current year 2001, relying on information collected by the various Legal Services programs in Indiana, documented that need for legal services far exceeds the number of cases existing staff programs can reasonably handle. Subsequent to submitting its 2001 proposal, the Committee sent an ad hoc survey to twenty-four (24) relevant social services programs and agencies. Eleven (11) responded. Again, the results of this survey are included as **Exhibit 13 in Binder I**. Unfortunately, and probably part of the difficulty in assessing client needs, most of the Lake County entities surveyed did not take the time to reply. However, there was a very consistent response from those eleven who did reply.

In summary, all the respondents describe efforts made to find attorneys for their clients and transportation and other barriers the clients face in accessing legal services. Many offered to provide space at their offices for attorneys to meet with clients. The areas identified where legal services are needed include: child support, divorce, bankruptcy & credit disputes, tenant/landlord disputes, dissolution of marriage, child custody where there is evidence of parental neglect or abuse, public benefits issues (SSI, Medicaid, township poor relief, TANF, HOUSING, VA benefits), adult guardianships/trusts, wills, POA etc., small claims, hardship drivers licenses,

denial of mental health services, and complicated protective order proceedings.

These survey results are consistent with the summary of studies of the legal needs of low income Hoosiers conducted by the Public Opinion Laboratory in 1999, and also with the ABA Comprehensive Legal Needs Study conducted in the summer of 1993. **See Exhibit 15 in Binder I.**

Recommended Action and Plan for Implementation:

(i) Expand the areas of law to be serviced, not only by volunteer attorneys, but also ILS staff:

A number of substantive areas of legal needs identified in the 2000 survey are not areas where the current ILS staff in some of its First District counties are currently practicing. The Committee will work with ILS director Norman Metzger, as he recruits and trains staff, to identify those areas, to provide training for staff and volunteer attorneys, and to publicize the availability of both ILS and pro bono attorneys to clients. Additionally, the Committee will work to develop “teams” of volunteer attorneys in certain substantive areas of the law: e.g. consumer/fair debt collection; tenant/landlord; not-for-profit organizations; elder law, etc.

(ii) Encourage realistic locations for attorney/client communications:

We will develop a system to inform volunteer attorneys of alternative places for meeting with clients who have transportation barriers and to coordinate a location which will meet privacy and scheduling requirements.

(iii) Develop mechanisms for overcoming language/communication barriers:

ILS plans to open a branch of its Hispanic Law Center in East Chicago, Indiana, which has 51% Hispanic population. We anticipate that the part-time staff there will not be able to handle the greater numbers of Hispanic clients this office will probably attract. As part of our collaboration with ILS, the Committee will enlist the cooperation of the Hispanic Bar Association in recruiting volunteers who speak Spanish. In fact, one of our Committee members, Judge Lorenzo Arredondo, is also a leader in the Hispanic bar and community. We plan to provide referral brochures in Spanish to the Catholic Diocese’s Migrant Workers project. We will also attempt to identify trained translators for other non-English speaking persons or the hearing/sight impaired.

Coordination with Community:

Collect existing information concerning transportation and communication resources from existing data banks such as those maintained by United Way agencies.

Provide information on the availability of services to the social services agencies, again using existing media/newsletters/databanks where possible.

Collaboration with Inns of Court and other attorney mentoring programs.

Expected Results:

Minimally, attain a 100% increase in the number of cases accepted by volunteer attorneys in 2001 as well as achieve a substantial increase in the types of cases accepted.

Minimally, plan and present two (2) self-help seminars for clients and the general public.

A significant decrease in the concerns of potential clients regarding their ability to access legal services.

A significant increase in social service agency awareness of the availability of legal services, properly coordinated between our office and the office of ILS.

Benchmarks:

Organization of subject matter "teams"

Compilation of transportation and other resource data/lists

Initiation of regular public relations events/publications

Development and printing of resource materials, including bilingual materials

Compilation of data on referrals reflecting the results of these efforts.

Costs: **See Budget, Exhibit 16 in Binder I.** It is important to note that this enclosed Budget for the year 2002 expands the position of Plan Administrator to a full-time job. The Committee believes that its detailed Plan as well as all four (4) Problems/Barriers described in this Report will require a full-time Plan Administrator during the calendar year 2002.

Problem/Barrier # 2: ATTORNEY RECRUITMENT/MOTIVATION ISSUES.

Problem Identification:

Potential and current volunteer attorneys are generally under informed about the barriers that the clients face and the realities of poverty level incomes. They often lack familiarity with some of the substantive areas of the law which impoverished clients must deal with, e.g. public benefits such as TANF, township poor relief, Medicaid. There is also a constant need to (1) encourage, handhold, and sometimes exert moral pressure to ensure that more complex as well as very simple matters are accepted and vigorously handled by the volunteers; (2) think creatively about ways in which the private bar can meet the legal needs; and (3) prevent volunteer “burn out”. Moreover, in some of the counties in the First Judicial District many attorneys apparently are hostile to IOLTA and/or the pro bono project.

Supportive Data:

While there are no known surveys in the First Judicial District which have formally documented the above issues, those of us who have been at either the delivery or the receiving end of recruitment to do volunteer legal work as well as members of the local judiciary can experientially attest to the above problems.

Recommended Action and Plan for Implementation:

Using the Bench and Bar Resolutions obtained in Lake County as a model, seek the passage of similar resolutions by both the judiciary and bar associations in the other six counties in the District. Seek the continuing support of the judiciary and bar associations; after the passage of these resolutions there still needs to be constant reminders and organizational participation in the process.

As part of the moral/ethical “jawboning”, educate attorneys on what is a “pro bono” case within the meaning of the Supreme Court rule and, through a more hands-on approach to case assignment, try to give the attorney a better personal flavor of the client’s particular legal problem and whatever barriers the client faces in trying to resolve the problem.

Through personal follow-ups with volunteer attorneys identify and address specific concerns, bad experiences, etc. with the goal of encouraging their continued participation in the pro bono arena.

Develop or participate in CLE programs which allow volunteer attorneys reduced registration fees in return for volunteering to handle pro bono cases.

Coordination with Community:

Active and regular contact with the county judges, various bar associations, substantive law bar sections, major law firms and attorneys in general.

Inclusion of a pro bono component in Continuing Legal Education seminars being planned for local presentation.

Expected Results:

Supportive pro bono resolutions from the bench and bar associations from Porter, LaPorte, Jasper, Newton, Starke and Pulaski Counties similar to the ones obtained from the Lake County judiciary and bar associations.

Referral of pro bono cases to at least 100 new volunteer attorneys who have not previously participated in Pro Bono. An expansion of the “menu” of cases being referred.

A more general acceptance of the 50 annual hours pro bono aspirational goal and commitment to access to justice by the bar in general.

Benchmarks:

Quarterly reports on the number of attorneys recruited, the types of cases accepted, the bench and bar resolutions obtained, and the seminars conducted.

Costs: **See Budget, Exhibit 16 in Binder I.**

Problem Barrier #3: LACK OF SELF HELP INFORMATION AND PROCEDURES.

Problem Identification:

In many settings the adage is very true that “knowledge is power”. This is no less true in the legal arena. However in the First Judicial District, there are no known organized self-help or pro se clinic type arrangements where clients might be able to better understand their legal rights (e.g. fair debt collection practices; truth-in-lending rules; lemon laws; tenant /landlord disputes such as informal lockouts, security deposit return, constructive eviction/warranty of habitability; visitation and child support collection; elder law matters such as nursing home standards/ombudsman procedures) Clients might also learn how to handle uncomplicated legal matters with no or only minimal assistance from attorneys. The president of our largest bar association, quoting one of our judge members who is also a member of the executive committee of the American Judicature Society, has recently called on the bar to take a leadership role in the development of pro se processes.

Supportive Data:

Lack of any evidence of the existence of such programs.

Recommended Action and Plan for Implementation:

Cooperate with the local bench and bar in exploring the potential for self-help events and processes, e.g. using the local bar association websites

Communication with the judiciary in the various counties regarding their existing approach to pro se litigants and areas where the bench would most welcome assistance with pro se litigants.

Collaborate with ILS in developing, updating, and disseminating informative printed materials in basic substantive law areas.

Within the next Plan Year, develop and implement self-help informational operations as well as attorney volunteer practice groups in the areas of tenant/landlord and fair debt collection/predatory lending.

Select at least one substantive legal area and develop pro se litigation procedures acceptable to both bench and bar.

Coordination with Community:

Work with the judiciary, ILS and the various bar associations/practice sections to select one or two areas of law in which to develop pro se/self help informational

materials, to achieve judicial acceptance of the program, and to identify practitioners willing to volunteer assistance in these substantive areas.

Expected Results:

A better informed and empowered client population.

More efficient litigation processes for pro se clients.

Benchmarks:

Identification of existing legal area practice groups/ bar sections and initiation of discussions regarding how to approach client self-help.

Identification and recruitment of volunteers in the practice areas.

Conduct at least two (2) “self-help” informational seminars for clients and general public.

Agreement between relevant bench and bar as to at least one substantive area to develop pro se procedures.

Development of informational material/ forms and design for implementation in one (1) or two (2) pro se area(s).

Initiation of pro se procedure in the designated area(s).

Costs: **See Budget, Exhibit 16 in Binder I.**

Problem/Barrier #4: LACK OF APPRECIATION BY THE PUBLIC AND EVEN MUCH OF THE PRACTICING BAR FOR THE WORK OF PRO BONO VOLUNTEER ATTORNEYS.

Problem Identification:

Historically there has been no effective gathering and publicizing of data about the valuable services which volunteer attorneys have provided to clients, both as a way of countering the often negative public perception of attorneys and as a way of acknowledging the value of the dollars and time invested as well as encouraging more voluntary participation by attorneys,.

Supportive Data:

Bad lawyer jokes, editorials, frequent anti lawyer comments and purported public opinion polls which seem to have saturated the media and the “collective wisdom” of the general public

Recommended Action and Plan for Implementation:

Promptly acknowledge the time and efforts of existing and future pro bono attorneys by letters of thanks from bench and bar, telling of client stories in available newsletters and other media, and regular reports to the bar associations in the District.

Coordination with Community:

Via various news media; nominating exceptionally generous attorney volunteers for community service awards.

Expected Results:

Restoration of some balance between negative and positive opinions about attorneys by the general public.

Increase in professional satisfaction by participating attorneys.

Better public understanding of the problems/barriers faced by the poor and the positive impact on their lives and families compared to the low cost of pro bono and legal services.

Benchmarks:

Development of more thorough documentation of the types of problems assisted with and the number of hours and costs involved.

Establishment of regular “thank you” letter procedures between bench, bar, and the volunteer attorneys and the celebration of attorney volunteers within the legal communities.

Establishment of the first community service award(s) for attorney volunteers.

Costs: **See Budget, Exhibit 16 in Binder I.**